



Montana Department of  
ENVIRONMENTAL QUALITY

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Ravalli County Commissioner

October 14, 2008

P.O. Box 200901 • Helena, MT 59620-0901 •

(406) 444-2544 • [www.deq.mt.gov](http://www.deq.mt.gov)

Gregory Chilcott  
Ravalli County Commissioner  
215 South 4<sup>th</sup> Street Suite A  
Hamilton, MT 59840

CERTIFIED MAIL #7006 2150 0001 5294 8978  
Return Receipt Requested

**RE: Dusty Road Complaint (CVID #12210)**

Dear Commissioner Chilcott:

The Enforcement Division (ENFD) of the Montana Department of Environmental Quality (DEQ) has received a third complaint regarding dust from South Burnt Fork Road in Stevensville, Montana. According to the complainant, the dust severely impacts the area and the Ravalli County Road Department did not respond to the DEQ letters dated May 30, 2008, or August 19, 2008, concerning this dust issue. In addition, the complainant stated that the Ravalli County Road Department told him that DEQ did not have any jurisdiction over the road and DEQ could not make the Ravalli County Road Department do anything.

On July 21, 2008, I conducted a site visit at South Burnt Fork Road and North Sunset Bench Road, parking in a position so the sun would not interfere with my observations. In approximately 30 minutes I observed three pickup trucks, two 4-wheelers, four pickup trucks with trailers and one tractor with a hay trailer. The dust from these vehicles ranged from minor to large clouds of 100% opacity drifting well off the road and impacting the surrounding houses. Speed appeared to greatly influence the amount of dust. Vehicles traveling at higher speeds generated larger clouds of dust. The size of the vehicle did not seem to significantly matter. The large tractor and hay trailer traveling slowly generated approximately dust at 25% opacity and small pickups traveling faster created dust clouds of 100% opacity. The worst amount of dust was created by a pickup truck towing a hay trailer at a high rate of speed. The dust cloud drifted at least 50 to 75 feet into the air and several hundred yards off the road, impacting several houses.

The Administrative Rules of Montana (ARM) 17.8.308(2) states, "No person shall cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter." DEQ has had a long-term understanding with Montana counties that the responsibility for addressing dust complaints on county roads lies with the county. However based on my July 21, 2008 site visit, ENFD has validated a potential violation of ARM 17.8.308(2). Please be aware that violations of the Clean Air Act of Montana are considered significant violations and the Department may take an enforcement action, including the assessment of penalties, for repeat or continuing violations.

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ENFD requests that you have someone investigate the complaint and possible actions Ravalli County can take for dust control. Actions the county may take include reducing/enforcing the speed limit on the road, installing stop signs to reduce the speed of the vehicles, forming a Rural Improvement District, and having or requesting a dust suppressant be applied to the road.

Thank you for your cooperation and attention to this matter. I have provided the complainant's address below so that Ravalli County may contact him directly. Please call me at (406) 444-2411 if you have any questions.

Sincerely,



Lawrence P. Alheim, Jr.  
Environmental Enforcement Specialist  
Enforcement Division  
(406) 444-2411; Fax (406) 444-1923  
email: lalheim@mt.gov

cc: Jimmy M. Anderson, 1354 South Burnt Fork Rd., Stevensville, MT 59870  
David Ohnstad, Ravalli County Road Department, 244 Fairground Rd., Hamilton, MT 59840  
Ravalli County Sanitarian, 215 S. 4th Street, Suite D, Hamilton, MT 59840